

Exhibit 2

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re: Overby-Seawell Company
Customer Data Security Breach
Litigation

Case No. 1:23-md-03056-SDG

DECLARATION OF JAY GERACI RE: NOTICE PROCEDURES

I, Jay Geraci, declare and state as follows:

1. I am a Vice President with KCC Class Action Services, LLC (“KCC”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. I am over 21 years of age and am not a party to this action. I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.

2. KCC is a class action administrator that specializes in providing comprehensive class action services including, but not limited to, pre-settlement consulting, email and mailing campaign implementation, website design, claims administration, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, class member data management, legal notification, call center support, claims administration, and other related services critical to the effective administration of class actions. KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated

with the noticing, claims processing and disbursement requirements of settlements to ensure the orderly and fair treatment of class members and all parties of interest.

3. The purpose of this declaration is to provide the Parties and the Court with a summary and the results of the work performed by KCC related to the Notice Procedures for the settlement following the Preliminary Approval.

CAFA NOTIFICATION

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. Section 1715, KCC compiled a CD-ROM containing the following documents: Class Action Complaint, Proposed Order re Preliminary Approval Hearing, Motion for Preliminary Approval, Memorandum of Points and Authorities in Support of Motion for Preliminary Approval, Declaration and Resume of Ben Barnow, Declaration of Christie K. Reed, Order re Preliminary Approval Hearing, Long Form Notice, Postcard Notice, Claim Form, Settlement Agreement and Proposed Final Judgment, which accompanied a cover letter (collectively, the “CAFA Notice Packet”). A copy of the cover letter is attached hereto as Exhibit A

5. On May 17, 2023, KCC caused fifty-eight (58) CAFA Notice Packets to be mailed via Priority Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed on Exhibit B, i.e., the U.S. Attorney General, the Attorneys General of the various states, and the 5 recognized U.S. Territories, as well as parties of

interest to this Action. A copy of the mail table is attached hereto as Exhibit B.

6. As of the date of this Declaration, KCC has received no response to the CAFA Notice Packet from any of the recipients identified in paragraph 5 above.

CLASS LIST

7. On or around May 16, 2023, KCC received from the defendant a list of 111,135 persons identified as the Class List. The Class List included list applicable data points, such as: names and mailing addresses. KCC formatted the list for mailing purposes, removed 41 duplicate records, and processed the names and addresses through the National Change of Address Database (“NCOA”) to update any addresses on file with the United States Postal Service (“USPS”). A total of 2,884 addresses were found and updated via NCOA. KCC updated its proprietary database with the Class List.

MAILING OF THE NOTICE PACKET

8. On June 1, 2023, KCC caused the Summary Notice Postcard (collectively, the “Notice Packet”) to be printed and mailed to the 111,094 names and mailing addresses in the Class List. A true and correct copy of the Notice Packet is attached hereto as Exhibit C.

9. Since mailing the Notice Packets to the Class Members, KCC has received 429 Notice Packets returned by the USPS with forwarding addresses. KCC

immediately caused Notice Packets to be re-mailed to the forwarding addresses supplied by the USPS.

10. Since mailing the Notice Packets to the Class Members, KCC has received 1,479 Notice Packets returned by the USPS with undeliverable addresses. Through credit bureau and/or other public source databases, KCC performed address searches for these undeliverable Notice Packets and was able to find updated addresses for 374 Class Members. KCC promptly re-mailed Notice Packets to the found new addresses.

SETTLEMENT WEBSITE

11. On or about June 1, 2023, KCC established a website www.FultonBankDataIncidentSettlement.com dedicated to this matter to provide information to the Class Members and to answer frequently asked questions. The website URL was set forth in the Summary Notice Postcard, Long Form Notice and Claim Form. Visitors of the website can download copies of the Notice, Claim Form, and other case-related documents. Visitors can also submit claims online, and, if applicable, upload supporting documentation. True and Correct copies of the Long Form Notice and Claim Form are attached hereto as Exhibits D & E. As of the date of this declaration, the website has received 12,688 visits.

TELEPHONE HOTLINE

12. KCC established and continues to maintain a toll-free telephone number 1-844-637-1401 for potential Class Members to call and obtain information about the Settlement, and to request a Notice Packet be mailed to them. The telephone hotline became operational on June 1, 2023, and is accessible 24 hours a day, 7 days a week. As of the date of this declaration, KCC has received a total of 446 calls to the telephone hotline.

CLAIM FORMS

13. The postmarked deadline for Class Members to file claims in this matter is August 30, 2023. To date, KCC has received 4,110 timely-filed claim forms. KCC expects additional timely-filed claim forms to arrive up through the filing deadline.

REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE

14. The Notice informs Class Members that requests for exclusion from the Class must be postmarked no later than July 31, 2023. As of the date of this declaration, KCC has received 16 requests for exclusion. A list of the Class Members requesting to be excluded is attached hereto as Exhibit F.

OBJECTIONS TO THE SETTLEMENT

15. The postmark deadline for Class Members to object to the settlement was July 31, 2023. As of the date of this declaration, KCC has received no objections to the settlement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 23, 2023 at San Rafael, California.



Jay Geraci

Exhibit A



1 McInnis Parkway
Suite 250
San Rafael, CA 94903

May 17, 2023

VIA PRIORITY MAIL

«First» «Last»
«Company_1»
«Company_2»
«Address_2»
«Address_1»
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

KCC Class Action Services, LLC is the independent third-party Administrator in a putative class action lawsuit entitled *Kathy Keefer et al. v. Overby-Seawell Company and Fulton Bank, N.A.*, Case No. 1:22-cv-03708-SDG. BakerHostetler represents Overby-Seawell Company and Fulton Bank, N.A. (“Defendants”) in that Action. The lawsuit is pending before the Honorable Steven D. Grimberg in the United States District Court for the Northern District of Georgia, Atlanta Division. This letter is to advise you that Kathy Keefer (“Plaintiff”) filed a Motion for Preliminary Approval of Class Action Settlement in connection with this class action lawsuit on April 7, 2023.

Case Name: *Kathy Keefer et al. v. Overby-Seawell Company and Fulton Bank, N.A.*

Case Number: 1:22-cv-03708-SDG

Jurisdiction: United States District Court,
Northern District of Georgia
Atlanta Division

**Date Settlement
Filed with Court:** April 7, 2023



«First» «Last»

May 17, 2023

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Defendants deny any wrongdoing or liability whatsoever, but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the documents referenced below are included on the CD that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** A copy of the *Class Action Complaint* is included on the enclosed CD.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has scheduled a final fairness hearing in this matter for September 6, 2023. Copies of the *Proposed Order re Preliminary Approval Hearing*, *Motion for Preliminary Approval*, *Memorandum of Points and Authorities in Support of Motion for Preliminary Approval*, *Declaration and Resume of Ben Barnow*, *Declaration of Christie K. Reed*, and *Order re Preliminary Approval Hearing* are included on the enclosed CD.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Long Form Notice*, *Postcard Notice*, and *Claim Form* to be provided to the class are included on the enclosed CD.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Settlement Agreement* is included on the enclosed CD.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** As of May 17, 2023, no other settlement or agreement has been entered into by the Parties to this Action with each other, either directly or by and through their respective counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of May 17, 2023, nor have any Notices of Dismissal been granted at this time. A copy of the *Proposed Final Judgment* is included on the enclosed CD.



«First» «Last»

May 17, 2023

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7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Defendants and KCC Class Action Services, LLC are in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know the names or current addresses of all the proposed settlement class members and will not learn this information until the Settlement is preliminarily approved and the Court authorizes dissemination of information about the Settlement through the Class Notice. Pursuant to 28 U.S.C. § 1715(b)(7)(B), it is estimated that there are approximately 111,663 individuals in the class.
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As the proposed Settlement is still pending final approval by the Court, there are no other opinions available at this time. As of May 17, 2023, there has been no written judicial opinion related to the settlement.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Defendants can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/
Fred Webb,
Case Coordinator

Enclosure – CD ROM

Exhibit B

Last	First	Company 1	Address 1	Address 2	City	State	Zip
Garland	Merrick	Attorney General of the United States	United States Department of Justice	950 Pennsylvania Avenue, NW	Washington	DC	20530-0001
Taylor	Treg	Office of the Alaska Attorney General	1031 W. 4th Avenue, Suite 200		Anchorage	AK	99501-1994
Marshall	Steve	Office of the Alabama Attorney General	501 Washington Avenue	PO Box 300152	Montgomery	AL	36130-0152
Griffin	Tim	Arkansas Attorney General Office	323 Center Street, Suite 200		Little Rock	AR	72201-2610
Maves	Kris	Office of the Arizona Attorney General	2005 N. Central Avenue		Phoenix	AZ	85004
CAFA Coordinator		Office of the Attorney General	Consumer Law Section	455 Golden Gate Ave., Suite 11000	San Francisco	CA	94102
Weiser	Phil	Office of the Colorado Attorney General	Ralph L. Carr Colorado Judicial Center	1300 Broadway, 10th Floor	Denver	CO	80203
Tong	William	State of Connecticut Attorney General	165 Capitol Avenue		Hartford	CT	06106
Schwalb	Brian	District of Columbia Attorney General	400 6th St. NW		Washington	DC	20001
Jennings	Kathy	Delaware Attorney General	Carvel State Office Building	820 N. French Street	Wilmington	DE	19801
Moody	Ashley	Office of the Attorney General of Florida	The Capitol, PL-01		Tallahassee	FL	32399-1050
Carr	Chris	Office of the Georgia Attorney General	40 Capitol Square, SW		Atlanta	GA	30334-1300
Lopez	Anne E.	Office of the Hawaii Attorney General	425 Queen Street		Honolulu	HI	96813
Bird	Brenna	Iowa Attorney General	Hoover State Office Building	1305 E. Walnut Street	Des Moines	IA	50319
Labrador	Raúl	State of Idaho Attorney General's Office	700 W. Jefferson Street, Suite 210	P.O. Box 83720	Boise	ID	83720-1000
Raoul	Kwame	Illinois Attorney General	James R. Thompson Center	100 W. Randolph Street	Chicago	IL	60601
Rokita	Todd	Indiana Attorney General's Office	Indiana Government Center South	302 West Washington Street, 5th Floor	Indianapolis	IN	46204
Kobach	Kris	Kansas Attorney General	120 S.W. 10th Ave., 2nd Floor		Topeka	KS	66612-1597
Cameron	Daniel	Office of the Kentucky Attorney General	700 Capitol Ave	Capitol Building, Suite 118	Frankfort	KY	40601
Landry	Jeff	Office of the Louisiana Attorney General	P.O. Box 94095		Baton Rouge	LA	70804-4095
Campbell	Andrea	Attorney General of Massachusetts	1 Ashburton Place	20th Floor	Boston	MA	02108-1698
Brown	Anthony G.	Office of the Maryland Attorney General	200 St. Paul Place		Baltimore	MD	21202-2202
Frey	Aaron	Office of the Maine Attorney General	State House Station 6		Augusta	ME	04333
Nessel	Dana	Office of the Michigan Attorney General	P.O. Box 30212	525 W. Ottawa Street	Lansing	MI	48909-0212
Keith Ellison	Attorney General	Attention: CAFA Coordinator	445 Minnesota Street	Suite 1400	St. Paul	MN	55101-2131
Bailey	Andrew	Missouri Attorney General's Office	Supreme Court Building	207 W. High Street	Jefferson City	MO	65101
Fitch	Lynn	Mississippi Attorney General's Office	Department of Justice	P.O. Box 220	Jackson	MS	39205
Knudsen	Austin	Office of the Montana Attorney General	Justice Bldg.	215 N. Sanders Street	Helena	MT	59620-1401
Stein	Josh	North Carolina Attorney General	Department of Justice	P.O. Box 629	Raleigh	NC	27602-0629
Hilgers	Mike	Office of the Nebraska Attorney General	State Capitol P.O. Box 98920		Lincoln	NE	68509-8920
Ford	Aaron	Nevada Attorney General	Old Supreme Ct. Bldg.	100 North Carson St.	Carson City	NV	89701
Formella	John	New Hampshire Attorney General	Hew Hampshire Department of Justice	33 Capitol St.	Concord	NH	03301-6397
Platkin	Matthew J.	Office of the New Jersey Attorney General	Richard J. Hughes Justice Complex	25 Market St., P.O. Box 080	Trenton	NJ	08625-0080
Torrez	Raul	Office of the New Mexico Attorney General	P.O. Drawer 1508		Santa Fe	NM	87504-1508
James	Letitia	Office of the New York Attorney General	Dept. of Law - The Capitol	2nd Floor	Albany	NY	12224-0341
Wrigley	Drew H.	North Dakota Office of the Attorney General	State Capitol	600 E. Boulevard Ave., Dept. 125	Bismarck	ND	58505-0040
Yost	Dave	Ohio Attorney General	Rhodes State Office Tower	30 E. Broad St., 14th Flr.	Columbus	OH	43215
Drummond	Gentner	Oklahoma Office of the Attorney General	313 NE 21st St.		Oklahoma City	OK	73105
Rosenblum	Ellen F.	Office of the Oregon Attorney General	Justice Building	1162 Court St., NE	Salem	OR	97301-4096
Henry	Michelle A.	Pennsylvania Office of the Attorney General	16th Flr., Strawberry Square		Harrisburg	PA	17120
Neronha	Peter	Rhode Island Office of the Attorney General	150 South Main St.		Providence	RI	02903
Wilson	Alan	South Carolina Attorney General	Rembert C. Dennis Office Bldg.	P.O. Box 11549	Columbia	SC	29211
Jackley	Marty	South Dakota Office of the Attorney General	1302 East Highway 14, Suite 1		Pierre	SD	57501-8501
Skrmetti	Jonathan	Tennessee Attorney General and Reporter	425 5th Avenue North		Nashville	TN	37243
Paxton	Ken	Attorney General of Texas	Capitol Station	P.O. Box 12548	Austin	TX	78711-2548
Reyes	Sean	Utah Office of the Attorney General	P.O. Box 142320		Salt Lake City	UT	84114-2320
Clark	Charity R.	Office of the Attorney General of Vermont	109 State St.		Montpelier	VT	05609-1001
Miyares	Jason	Office of the Virginia Attorney General	202 North Ninth St.		Richmond	VA	23219
Ferguson	Bob	Washington State Attorney General	1125 Washington St. SE	P.O. Box 40100	Olympia	WA	98504-0100
Morrissey	Patrick	West Virginia Attorney General	State Capitol Complex, Bldg. 1, Rm. E-26	1900 Kanawha Blvd. E.	Charleston	WV	25305
Kaul	Josh	Office of the Wisconsin Attorney General	Dept. of Justice, State Capitol	Rm. 114 East, P.O. Box 7857	Madison	WI	53707-7857
Hill	Bridget	Office of the Wyoming Attorney General	109 State Capitol		Cheyenne	WY	82002
Ala'ilima-Utu	Fainu'ulelei Falefatu	American Samoa Gov't	Dept. of Legal Affairs, c/o Attorney General	P.O. Box 7	Utulei	AS	96799
Moylan	Douglas	Office of the Attorney General, ITC Building	590 S. Marine Corps Dr.	Suite 706	Tamuning	Guam	96913
Manibusan	Edward	Northern Mariana Islands Attorney General	Administration Building	P.O. Box 10007	Saipan	MP	96950-8907
Hernández	Domingo Emanuelli	Puerto Rico Attorney General	Torre Chardón, Suite 1201	350 Carlos Chardón Ave.	San Juan	PR	00918
Thomas-Jacobs	Carol	Virgin Islands Acting Atty. General, DOJ	3438 Kronprindsens Gade	GERS Complex, 2nd Floor	St. Thomas	VI	00802
Lamb	Chelsea	BakerHostetler	1170 Peachtree Street	Suite 2400	Atlanta	GA	30309-7676

Exhibit C

Editor: Bank Data Incident
Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

**LEGAL NOTICE ONLY TO BE
VIEWED BY THE INTENDED
RECIPIENT**

*A federal court has
authorized this Notice.*

This is not a solicitation from a lawyer.



VISIT THE
SETTLEMENT
WEBSITE BY
SCANNING
THE PROVIDED
QR CODE

OVR

<<Barcode>>

Postal Service: Please Do Not Mark Barcode

Claim#: OVR-«ClaimID» - «MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

If Your Personal Information Was Exposed in a Data Security Incident Involving Fulton Bank, N.A.,
You May Be Eligible for a CASH PAYMENT or Other Benefits from a Class Action Settlement.

PLEASE VISIT www.fultonbankdataincidentsettlement.com FOR MORE INFORMATION.

Why am I receiving this Notice? A class action settlement in the case entitled *Keefe v. Fulton Bank, N.A.*, No. 1:22-cv-03708, which has been consolidated with *In Re: Overby-Seawell Company Customer Data Security Breach Litigation*, No. 1:23-md-03056, in the United States District Court for the Northern District of Georgia, has been reached between the Plaintiff and Defendant Fulton Bank, N.A. (“Fulton Bank”). The case concerns a cyberattack on Overby-Seawell Company (“OSC”) between May 26, 2022 and July 5, 2022 (the “Data Incident”). You are receiving this Notice because Fulton Bank’s records show that your personal information was potentially compromised as a result of the Data Incident. **The records show that you may be a member of the Settlement Class, defined below.**

Who’s Included in the Settlement Class? The Settlement Class includes all persons who provided their personal data to Fulton Bank, N.A. and were notified that their personal data may have been impacted as a result of Overby-Seawell Company’s cybersecurity incident that it discovered on or about July 5, 2022.

What are the Settlement benefits? The Settlement provides for payments to people who submit valid claims for reimbursement of: (i) up to 4.5 hours of lost time for Class Members who spent at least one-half hour responding to the Data Incident, at the rate of \$25 per hour, (ii) up to \$150 for ordinary unreimbursed out-of-pocket expenses incurred as a result of the Data Incident, (iii) up to \$5,000 for extraordinary unreimbursed out-of-pocket expenses incurred as a result of the Data Incident, and (iv) two years of three-bureau credit monitoring services, or (v) an Alternative Cash Payment (estimated to be \$60). Please visit www.fultonbankdataincidentsettlement.com for a full description of Settlement benefits and more information on how to submit a Claim Form. The deadline to submit a Claim Form is **August 30, 2023**.

What are my options? To receive payment, you must submit a Claim Form by August 30, 2023. The Claim Form can be found on the website www.fultonbankdataincidentsettlement.com. If you do not want to be legally bound by the Settlement, you must **opt out** of the Settlement by **July 31, 2023**. If you want to **object** to the Settlement, you must file an objection by **July 31, 2023**. The Long Form Notice available on the Settlement Website explains how to submit a Claim Form, opt out, or object. If you elect to complete a Claim Form, your Class Member identification number or Claim ID is: **<ClaimID>**.

The Court’s Final Approval Hearing. The Court will hold a Final Approval Hearing on **September 6, 2023**, to consider whether to approve the Settlement, a request for attorneys’ fees, costs, and expenses for Plaintiff’s counsel, and possibly a service award for the Settlement Class Representative. You may appear at the hearing, either yourself or through an attorney hired by you, but it is not required. More information is available on the website.

For more information, please visit www.fultonbankdataincidentsettlement.com or call toll-free 1-844-637-1401.

Exhibit D

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*THIS IS A COURT-AUTHORIZED NOTICE. IT IS NOT A NOTICE
OF A LAWSUIT AGAINST YOU OR A SOLICITATION FROM A LAWYER.*

PLEASE READ THIS NOTICE CAREFULLY

To: All persons who provided their personal information to Fulton Bank, N.A. (“Fulton Bank”) and were notified that their personal information may have been impacted as a result of the cyberattack on Fulton Bank’s third-party vendor, Overby-Seawell Company, which was discovered on or about July 5, 2022 (“Data Incident”), referred to herein as the “Settlement Class”

A proposed Settlement of claims against Fulton Bank has been reached in a class action lawsuit against Fulton Bank. The lawsuit asserted claims against Fulton Bank arising out of or related to a cyberattack against Overby-Seawell Company that was discovered on or about July 5, 2022.

If you are a member of the Settlement Class, you have the following options:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM BY AUGUST 30, 2023	You must submit a valid Claim Form to receive credit monitoring services from the Settlement, reimbursement for unreimbursed time or expenses, or an Alternative Cash Payment.
DO NOTHING	You will receive no benefits from the Settlement and will no longer be able to sue the Released Parties, ¹ including Fulton Bank, over the claims resolved in the Settlement.
EXCLUDE YOURSELF FROM THE SETTLEMENT BY JULY 31, 2023	You will receive no benefits from the Settlement, but you will retain your legal claims against the Released Parties.
OBJECT BY JULY 31, 2023	Write to the Court about why you do not like the Settlement. You must remain in the Settlement Class to object to the Settlement.
GO TO A HEARING ON SEPTEMBER 6, 2023	Ask to speak in Court about the fairness of the Settlement.

No payments or other settlement benefits will be issued until after the Court gives final approval to the Settlement and any appeals are resolved.

Please review this Notice carefully. You can learn more about the Settlement by visiting www.fultonbankdataincidentsettlement.com or by calling 1-844-637-1401.

Further Information about this Notice and the Lawsuit

1. Why was Notice issued?

You received Notice because you may be a member of the Settlement Class eligible to receive benefits from a proposed Settlement of the class action lawsuit *Keefer v. Fulton Bank, N.A.*, Cause No. 1:22-cv-03708, which has been consolidated with *In Re: Overby-Seawell Company Customer Data Security Breach Litigation*, Cause No. 1:23-md-03056, in the United States District Court for the Northern District of Georgia (the “Lawsuit”). The Court overseeing the Lawsuit authorized this Notice to advise Settlement Class Members about the proposed Settlement that will affect their legal rights. The Notice explains certain legal rights and options you have in connection with that Settlement.

¹ The Released Parties are Fulton Bank and its present and former parents, subsidiaries, divisions, departments, affiliates, employees, servants, members, providers, partners, principals, directors, shareholders, owners, predecessors, successors, assigns, and insurers, and each of the foregoing’s former or present directors, trustees, officers, employees, representatives, agents, providers, consultants, advisors, attorneys, accountants, partners, vendors, customers, insurers, reinsurers, and subrogees. Released Parties does not include Overby-Seawell Company or related entities.

2. What is the Lawsuit about?

The Lawsuit is a proposed class action lawsuit relating to the Data Incident, which may have impacted the personal data of certain of Fulton Bank's customers.

3. Why is the Lawsuit a class action?

In a class action, one or more representative plaintiffs bring a lawsuit for others who are alleged to have similar claims. Together, these people are the "Class" and each individually is a "Class Member." There is one Plaintiff (or Representative Plaintiff) in this case: Kathy Keefer.

4. Why is there a Settlement?

The Plaintiff in the Lawsuit, through her attorneys, investigated the facts and law relating to the issues in the Lawsuit. The Plaintiff and Class Counsel believe that the Settlement is fair, reasonable, and adequate and will provide substantial benefits to the Settlement Class. The Court has not decided whether the Plaintiff's claims or Fulton Bank's defenses have any merit, and it will not do so if the proposed Settlement is approved. By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will receive benefits from the Settlement. The Settlement does not mean that Fulton Bank did anything wrong, or that the Plaintiff and the Settlement Class would or would not win the case if it were to go to trial.

Terms of the Proposed Settlement

5. Who is in the Settlement Class?

The Settlement Class is defined as all persons who provided their personal data to Fulton Bank, N.A. and were notified that their personal data may have been impacted as a result of Overby-Seawell Company's cybersecurity incident that it discovered on or about July 5, 2022.

Excluded from the Settlement Class are: (1) Fulton Bank's and Overby-Seawell Company's officers and directors; (2) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (3) the judges assigned to the Litigation and to evaluate the Settlement; and (4) any other Person found by a court of competent jurisdiction to be guilty under criminal law of perpetrating, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.

6. What are the Settlement Benefits?

Compensation for Unreimbursed Losses and Credit Monitoring

The Settlement provides compensation for the following unreimbursed losses:

1. **Time Spent:** Up to 4.5 hours of lost time at a rate of \$25 per hour for time spent dealing with the Data Incident, if the Settlement Class Member spent at least one-half (0.5) hours dealing with the Data Incident;
2. **Ordinary Out-of-Pocket Expenses or Losses:** Out-of-pocket expenses incurred as a result of the Data Incident, including: documented bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, gasoline for local travel, and fees for credit reports, credit monitoring, or other identity theft insurance product purchased between July 5, 2022 and August 30, 2023.
3. **Extraordinary Out-of-Pocket Expenses or Losses:** Out-of-pocket expenses directly arising from identity theft or other fraud perpetrated on or against the Settlement Class Member as a result of the Data Incident.

Compensation for lost time requires only an attestation that any claimed lost time was spent related to the Data Incident.

Compensation for unreimbursed losses (except for lost time), shall be paid only if: (1) the loss is an actual, documented,² and unreimbursed monetary loss; (2) the loss was more likely than not caused by the Data Incident; and (3) the Settlement Class Member made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring insurance and identity theft insurance.

4. **Credit Monitoring and Identity Theft Protection Services:** Settlement Class Members who do not opt for the Alternative Cash Payment are eligible to receive 24 months of Credit Monitoring and Identity Theft Protection Services free of charge. The Credit Monitoring and Identity Theft Protection Services will be provided to all valid claimants who timely enroll in these services for a period of 24 months from the date of activation, including daily three-bureau credit monitoring with Equifax, Experian, and TransUnion; identity restoration services; and \$1 million in identity theft insurance, among other features.

Alternative Cash Payment: As an alternative to a claim for Unreimbursed Losses, Lost Time, and/or Credit Monitoring, Settlement Class Members may submit a claim to receive a pro rata cash payment from the Settlement Fund (“Alternative Cash Payment”). The amount of the Alternative Cash Payment will be calculated in accordance with the Settlement Agreement, which provides for a distribution of the Settlement Fund to first cover other costs and then distribute the remaining funds evenly amongst Settlement Class Members who elected to receive an Alternative Cash Payment.

7. What claims are Settlement Class Members giving up under the Settlement?

Settlement Class Members who do not validly exclude themselves from the Settlement will be bound by the Settlement Agreement and Release (“Settlement Agreement”), and any final judgment entered by the Court, and will give up their right to sue the Released Parties for the claims being resolved by the Settlement.

The claims that are being released and the persons and entities being released from those claims are described in the Settlement Agreement. To view the Settlement Agreement, please visit www.fultonbankdataincidentsettlement.com.

Your Options as a Settlement Class Member

8. If I am a Settlement Class Member, what options do I have?

If you are a Settlement Class Member, you do not have to do anything to remain in the Settlement. However, if you want to obtain the benefits available to Settlement Class Members under the Settlement, you **must** complete and submit a Claim Form postmarked or submitted online by **August 30, 2023**. You may download or submit a Claim Form online at www.fultonbankdataincidentsettlement.com.

If you do not want to give up your right to sue the Released Parties related to the Data Incident or the issues raised in this case, you must exclude yourself (or “opt out”) from the Settlement Class. See Question 12 below for instructions on how to exclude yourself.

If you object to the Settlement, you must remain a Settlement Class Member (*i.e.*, you may not also exclude yourself from the Settlement Class by opting out) and file a written objection in this case with the Court. (See Question 15 below.) If you object, you must still submit a claim if you want compensation for unreimbursed losses or credit monitoring services.

² Self-prepared documents, such as handwritten receipts, are, by themselves, insufficient to receive reimbursement.

9. What happens if I do nothing?

If you do nothing, you will get no benefit from this Settlement. Unless you exclude yourself, after the Settlement is granted final approval and the judgment becomes final, you will be bound by the judgment and you will never be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Parties related to the claims released by the Settlement.

10. How do I submit a claim?

You may complete the Claim Form online at **www.fultonbankdataincidentsettlement.com**. You may also obtain a paper Claim Form by downloading it at **www.fultonbankdataincidentsettlement.com** or by calling the Claims Administrator at **1-844-637-1401**. If you choose to complete a paper Claim Form, you may either submit the completed and signed Claim Form and any supporting materials electronically at **www.fultonbankdataincidentsettlement.com** or mail them to:

Fulton Bank Data Incident Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

11. Who decides my Settlement claim and how do they do it?

The Claims Administrator will initially decide whether a Claim Form is complete and valid and includes all required documentation. The Claims Administrator may require additional information from any claimant. Failure to timely provide all required information will invalidate a claim, and it will not be paid.

12. How do I exclude myself from the Settlement?

You must make a signed written request that (a) states your name, address, and phone number; (b) is signed by you or a person authorized by law to sign on your behalf; and (c) unequivocally states your desire to be excluded from the Fulton Bank Settlement and Settlement Class. You must send your request by **July 31, 2023** to this address:

Fulton Bank Data Incident Claims Administrator
Attn: Exclusions
P.O. Box 301132
Los Angeles, CA 90030-1132

13. If I exclude myself, can I receive a benefit from this Settlement?

No. If you exclude yourself, you will not be entitled to any Settlement benefits. However, you will also not be bound by any judgment in this Lawsuit.

14. If I do not exclude myself, can I sue the Released Parties for the Data Incident later?

No. Unless you exclude yourself, you give up any right to sue the Released Parties for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form requesting a benefit from this Settlement.

15. How do I object to the Settlement?

All Settlement Class Members who do not request exclusion from the Settlement Class have the right to object to the Settlement or any part of it. You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Settlement benefits will be sent out and the Lawsuit will continue.

Any objection to the proposed Settlement must be in writing and it and any supporting papers must be filed with the Court and a copy mailed to Class Counsel and Fulton Bank's Counsel at the addresses listed below.

Class Counsel	Fulton Bank's Counsel
Ben Barnow BARNOW AND ASSOCIATES, P.C. 205 West Randolph Street, Ste. 1630 Chicago, IL 60606	Christopher A. Wiech Baker & Hostetler LLP 1170 Peachtree Street, Ste. 2400 Atlanta, GA 30309

Objections must be filed or postmarked no later than **July 31, 2023**.

To be considered by the Court, your objection must include: (a) the title of the case; (b) your name, address, and telephone number; (c) all legal and factual bases for your objection; (d) copies of any documents that you want the Court to consider; (e) whether you object to the Settlement in whole or in part; (f) the name, address, telephone number, email address, and state bar admissions of any attorneys representing you; (g) whether you (or your attorney) intends to appear at the Final Approval Hearing; and (h) your signature.

Should you wish to appear at the Final Approval Hearing, you must so state, and must identify any documents or witnesses you intend to call on your behalf.

If you fail to object in this manner, you will be deemed to have waived and forfeited any and all rights you may have to appear separately and/or to object to the Settlement Agreement, and you shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders, and judgments in the Litigation. The exclusive means for any challenge to the Settlement Agreement shall be through the provisions set forth in this paragraph. Without limiting the foregoing, any challenge to the Settlement Agreement, the Final Judgment and Order approving this Settlement Agreement, or the judgment to be entered upon final approval shall be pursuant to appeal under the Federal Rules of Appellate Procedure and not through a collateral attack.

Court Approval of the Settlement

16. How, when, and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. That hearing is scheduled for **September 6, 2023, at 2:00 p.m. EST**, at Richard B. Russell Federal Building & United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309, Courtroom 1706. At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and will listen to people who have properly requested to speak at the hearing. The Court may also consider Plaintiff's request for attorneys' fees, costs, and expenses, and Plaintiff's request for service awards for the Representative Plaintiff. After the hearing, the Court will decide whether to approve the Settlement.

It is possible the Court could reschedule the hearing to a different date or time without notice, so it is a good idea before the hearing to check **www.fultonbankdataincidentsettlement.com** to confirm the schedule if you wish to attend.

17. Do I have to attend the hearing?

No. You do not need to attend the hearing unless you object to the Settlement and wish to appear in person. It is not necessary to appear in person to make an objection; the Court will consider any written objections properly submitted pursuant to the instructions in Question 15. You or your own lawyer are welcome to attend the hearing at your expense, but you are not required to do so.

18. What happens if the Court approves the Settlement?

If the Court approves the Settlement, there may still be appeals. If an appeal is taken, it is possible the Settlement could be disapproved on appeal. We do not know how long this process may take.

19. What happens if the Court does not approve the Settlement?

If the Court does not approve the Settlement, there will be no Settlement benefits available to Settlement Class Members, Class Counsel, or the Plaintiff, and the case will proceed as if no Settlement had been attempted.

Lawyers for the Settlement Class and Fulton Bank

20. Who represents the Settlement Class?

The Court has appointed the following Class Counsel to represent the Settlement Class in this Lawsuit:

Ben Barnow

BARNOW AND ASSOCIATES, P.C.

205 West Randolph Street, Ste. 1630

Chicago, IL 60606

Settlement Class Members will not be charged for the services of Class Counsel; Class Counsel will be paid by Fulton Bank out of the Settlement Fund, subject to Court approval. However, you may hire your own attorney at your own expense to advise you in this matter or represent you in making an objection or appearing at the Final Approval Hearing.

21. How will the lawyers for the Settlement Class be paid?

Plaintiff will seek an order from the Court requesting that attorneys' fees not to exceed \$187,500 and reasonable costs and expenses be awarded to Class Counsel out of the Settlement Fund.

Plaintiff may also seek an order from the Court requesting that a service award in the amount of \$1,000 be awarded to the Representative Plaintiff for her time and effort expended on behalf of the Settlement Class in the Litigation.

For Further Information

22. What if I want further information or have questions?

For additional information, please visit **www.fultonbankdataincidentsettlement.com**. You may also contact the Claims Administrator by mail, email or phone:

Mail:

Fulton Bank Data Incident Claims Administrator

P.O. Box 301132

Los Angeles, CA 90030-1132

Email:

Admin@fultonbankdataincidentsettlement.com

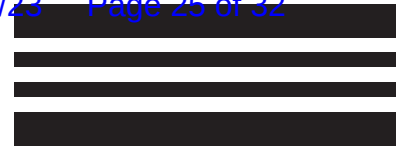
Phone:

1-844-637-1401

**PLEASE DO NOT CONTACT THE COURT OR FULTON BANK'S COUNSEL
FOR INFORMATION REGARDING THIS SETTLEMENT.**

Exhibit E

Fulton Bank Data Incident
Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132



OVR

«Barcode»

Postal Service: Please do not mark barcode

Claim#: OVR-«ClaimID» - «MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

VISIT THE SETTLEMENT WEBSITE BY
SCANNING THE PROVIDED QR CODE

Keefer v. Fulton Bank, N.A.,
Cause No. 1:22-cv-03708

In Re: Overby-Seawell Company
Customer Data Security Breach Litigation,
Cause No. 1:23-md-03056

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

Must Be Submitted
Online or Postmarked
By August 30, 2023

CLAIM FORM FOR DATA INCIDENT SETTLEMENT

USE THIS FORM ONLY IF YOU ARE A MEMBER OF THE SETTLEMENT CLASS
TO MAKE A CLAIM FOR IDENTITY THEFT PROTECTION AND CREDIT MONITORING
SERVICES AND/OR COMPENSATION FOR UNREIMBURSED LOSSES

GENERAL INSTRUCTIONS

If you provided your personal information to Fulton Bank, N.A. ("Fulton Bank") and were notified that your personal information, including your name, address, phone number, Social Security number, and certain loan information, may have been impacted as a result of the cyberattack on Fulton's third-party vendor, Overby-Seawell Company, which was discovered on or about July 5, 2022 ("Data Incident"), you are a member of the Settlement Class and are eligible to complete this Claim Form to request 24 months of identity protection and credit monitoring service free of charge, compensation for up to 4.5 hours of lost time at a rate of \$25 per hour, compensation for ordinary losses up to \$150 and/or compensation for extraordinary unreimbursed losses up to a total of \$5,000 ("Unreimbursed Losses"). As an alternative to making a claim for Unreimbursed Losses, Lost Time, and/or Credit Monitoring, you may elect to receive an Alternative Cash Payment (estimated to be \$60), which will be determined based on the amount remaining in the Settlement Fund after the amounts in the Settlement Fund have been distributed in accordance with the Settlement Agreement.

Please read the Claim Form carefully and answer all questions. Failure to provide required information could result in a denial of your claim.

This Claim Form may be submitted electronically via the Settlement Website at **www.fultonbankdataincidentsettlement.com** or completed and mailed to the address below. Please type or legibly print all requested information in blue or black ink. Mail your completed Claim Form, including any supporting documentation, by U.S. mail to:

Fulton Bank Data Incident Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132



FOR CLAIMS PROCESSING ONLY	OB <input type="checkbox"/>	CB <input type="checkbox"/>	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
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V. COMPENSATION FOR LOST TIME

All members of the Settlement Class who have spent time dealing with the Data Incident may claim up to four and one-half (4.5) hours of lost time at a rate of \$25 per hour, if they spent at least one-half hour dealing with the Data Incident and did not select the Alternative Cash Payment above. You must reasonably describe the lost time and attest that the time was spent dealing with the Data Incident. No supporting documentation is required.

Examples: You spent at least one-half hour calling customer service lines, writing letters or emails, or on the Internet in order to get fraudulent charges reversed or in updating automatic payment programs because your card number changed.

☐ . ☐

Hours claimed (up to 4.5 hours) at \$25 per hour (minimum 0.5 hours)

☐ I attest and affirm under penalty of perjury that to the best of my knowledge and belief any claimed lost time was spent related to the Data Incident.

Describe the Lost Time:

VI. UNREIMBURSED LOSSES

All members of the Settlement Class who submit a Valid Claim using this Claim Form and supporting documentation are eligible for reimbursement of documented out-of-pocket expenses that were incurred as a result of the Data Incident, so long as you did not select the Alternative Cash Payment above. Fill in the circle for each category of benefits you would like to claim.

You must reasonably describe the Unreimbursed Losses, provide supporting documentation, and attest that the losses were incurred as a result of the Data Incident. Please provide as much information as you can to help us figure out if you are entitled to a settlement payment.

A. ORDINARY LOSSES

Settlement Class Members who submit a Valid Claim using this Claim Form and supporting documentation are eligible for reimbursement of up to \$150 of ordinary out-of-pocket expenses resulting from the Data Incident.

Examples: Documented bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel relating to the Data Incident; fees for credit reports, credit monitoring, or other identity theft insurance products purchased between July 5, 2022 and August 30, 2023.

☐ I incurred ordinary losses as a result of the Data Incident totaling \$ _____ (max \$150).



Describe your ordinary losses below, including the date the loss was incurred and its relation to the Data Incident:

Documentation of ordinary losses is required. You may mark out any transactions that are not relevant to your claim before sending in the documentation.

If you are seeking reimbursement for fees, expenses, or charges, you **MUST** attach a copy of a statement from the company that charged you, or a receipt for the amount you incurred. If you are seeking reimbursement for credit reports, credit monitoring, or other identity theft insurance products purchased between July 5, 2022 and August 30, 2023, you **MUST** attach a copy of a receipt or other proof of purchase for each credit report or product purchased.

Examples: Phone bills, gas receipts, postage receipts; detailed list of locations to which you traveled (i.e., police station, IRS office), indication of why you traveled there (i.e., police report or letter from IRS re: falsified tax return) and number of miles you traveled; receipts or account statements reflecting purchases made for Credit Monitoring or Identity Theft Insurance Services.

All ordinary losses must be more likely than not attributable to the Data Incident and must not have been previously reimbursed.

- ☐ I attest and affirm under penalty of perjury that to the best of my knowledge and belief any claimed ordinary losses have not been previously reimbursed and were incurred as a result of the Data Incident.

B. EXTRAORDINARY LOSSES

Settlement Class Members who submit a Valid Claim using this Claim Form and supporting documentation are eligible for reimbursement of up to \$5,000 of extraordinary out-of-pocket expenses due to identity theft or other fraud resulting from the Data Incident, so long as you did not select the Alternative Cash Payment above.

Extraordinary expenses MUST: (1) be an actual, documented, unreimbursed monetary loss; (2) be more likely than not a result of the Data Incident; (3) not be covered by a claim for Ordinary Losses (Section A above); and (4) have been incurred despite reasonable efforts to avoid or be reimbursed for the loss (including exhaustion of all available credit monitoring insurance, identity theft insurance, and other available insurance).

- ☐ I attest and affirm under penalty of perjury that to the best of my knowledge and belief any claimed extraordinary losses have not been previously reimbursed and were incurred as a result of the Data Incident.

Describe your extraordinary losses below, including the date the loss was incurred and its relation to the Data Incident:



Documentation of extraordinary losses is required. The documentation must show the full amount of the claimed loss. You may mark out any transactions that are not relevant to your claim before sending in the documentation.

The loss must be more likely than not the result of the Data Incident and must not already be covered by the ordinary reimbursement category.

- ☐ I attest and affirm under penalty of perjury that to the best of my knowledge and belief any claimed extraordinary losses were actual monetary losses incurred due to identity theft or fraud as a result of the Data Incident and are not covered by a claim for ordinary losses.

VII. PAYMENT SELECTION

To receive your Settlement Payment by Paypal, Venmo, or Zelle, you must file your claim directly through the Settlement Website at www.fultonbankdataincidentsettlement.com. Otherwise, a check will be mailed to the contact information provided above.

VIII. ATTESTATION & SIGNATURE

I swear and affirm under the laws of my state that the information I have supplied in this Claim Form is true and correct to the best of my recollection, and that this form was executed on the date set forth below.

Signature: _____ Date (mm/dd/yyyy): _____

Print Name: _____

Questions? Go to www.fultonbankdataincidentsettlement.com or call 1-844-637-1401.



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Exhibit F

Master Exclusion List

ClaimID	Last1	First1
10018433901	COSTANTE	JANET
10030884301	FREEDMAN	JOSHUA R
10037153001	GRUBE	DEBORAH H
10037154101	GRUBE	JERE W
10056978001	LEVAN	CAROL A
10056980801	LEVAN	J BARRY
10057653901	LINGG	JAMES E
10057654001	LINGG	SHARI B
10075815001	PETER	GERALD
10075817401	PETER	SUSAN A
10080700801	REYNOLDS	ELIZABETH A
10080697101	REYNOLDS	DAVID C
10081672101	RISSE	DYAN S
10081675701	RISSE	JEFFREY E
10082589801	RODRIGUEZ	STEPHANIE
10103258401	WALTER	KAREN M